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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 23.00: ISSUANCE OF CERTIFICATES FOR THE SERVICING OF PORTABLE FIRE EXTINGUISHERS AND THE INSTALLING AND SERVICING OF FIXED FIRE EXTINGUISHING SYSTEMS

Section

- 23.01: Purpose
- 23.02: Applicability of Regulations
- 23.03: Definitions
- 23.04: Certificate of Registration
- 23.05: Certificate of Competency
- 23.06: Issuance and Renewal of Certificates; Fees;
- 23.07: Service Tags
- 23.08: Suspension or Revocation of Certificate
- 23.09: Annual Report on Employees

23.01: Purpose

The purpose of 527 CMR 23.00 is to regulate the issuance of certificates for the recharging, charging, servicing, inspection, and testing of portable fire extinguishers; the alteration, repair, recharging, testing, inspection, installation, and servicing of engineered and pre-engineered fixed fire extinguishing systems; and the performing of hydrostatic testing of fire extinguisher pressurized containers.

23.02: Scope and Applicability

- (1) 527 CMR 23.00 shall apply to all firms and individuals engaged in the business of servicing portable fire extinguishers, the installation and/or servicing of fixed fire extinguishing systems, and the performing of hydrostatic testing.
- (2) The provisions of 527 CMR 23.00 do not apply to the following:
 - (a) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.
 - (b) The servicing by a firm of its own portable extinguishers or fixed systems by its own personnel specially trained for such servicing.
 - (c) The installation or servicing of water sprinkler systems installed in compliance with 780 CMR (the Massachusetts State Building Code).
 - (d) Firms engaged in the selling at wholesale or retail of portable fire extinguishers but not engaged in the installation or recharging of same.
 - (e) Fire department recharging of portable fire extinguishers as a public service where no charge is made, provided that the fire department member is trained in the proper filling and recharging of the fire extinguishers.

23.03: Definitions

For the purpose of 527 CMR 23.00, the following terms (words) shall have the meanings respectively assigned to them:

Alteration, an addition or change in an engineered or preengineered fixed fire extinguishing system which is not a replacement of a part or unit of the same capacity and design.

Approved, approved by the Marshal.

Charge, the filling or refilling of any portable fire extinguisher or engineered or preengineered fixed system with a chemical, fluid, or gas for the extinguishing of fires.

Engineered systems, those requiring individual calculation and design to determine flow rates, nozzle pressures, quantities of agent, and the number and type of nozzles and their placement in a specific system.

23.02: continued

Fee, a monetary exaction imposed or collected by the Department of Public Safety in connection with a prerequisite or condition for the issuance and/or renewal of any required certificate.

Firm, any person, partnership, corporation, or association.

Fixed fire extinguishing system, those approved fire extinguishing systems designated as approved by the Marshal. Where used in 527 CMR 23.00, the term shall include both engineered and pre-engineered fire extinguishing systems.

Hydrostatic testing, pressure testing by approved hydrostatic methods of fire extinguishers and/or pressurized containers which are components of fire extinguishing systems.

Marshal, the State Fire Marshall.

Portable fire extinguisher, a device which is capable of being readily moved from place to place, and which contains within it chemicals, fluids or gases for extinguishing fires and the means for application of its contents to that purpose.

Pre-engineered fixed systems, those extinguishing systems having predetermined flow rates, nozzle pressures, and quantities of extinguishing agents. These systems have the specific pipe lengths, number of fittings, and number and type of nozzles listed by a nationally recognized testing laboratory based on actual fire tests.

Recognized testing laboratory, a nationally recognized testing agency staffed by qualified personnel and properly equipped to conduct the appropriate tests and furnish inspection and re-examination services and who publish lists of tested materials, equipment or devices, and conduct inspections, examinations and tests of the most recent production of the listed products. Recognized testing laboratories must be approved by the Marshal.

Service, servicing, the charging, filling, maintaining, recharging, refilling, repairing, altering, inspecting, testing, and tagging of portable fire extinguishers and fixed fire extinguishing systems, and/or the hydrostatic testing of portable and fixed fire extinguishing systems.

23.04: Certificate of Registration

- (1) Each firm engaged in the business of charging, recharging, servicing, testing, and inspection of portable extinguishers and/or the alteration, repair, recharging, charging, and servicing of fixed fire extinguishing systems, and in the performing of hydrostatic testing must have a Certificate of Registration issued by the Marshal.
- (2) Certificates of Registration (CR) shall be any one or more of the following types:
 - (a) Type 42 - Servicing portable fire extinguishers.
 - (b) Type 43 - Servicing engineered fixed fire extinguishing systems.
 - (c) Type 44 - Servicing pre-engineered fixed fire extinguishing systems.
 - (d) Type 45 - Hydrostatic testing of fire extinguishers manufactured in accordance with the specifications and procedures outlined by the Marshal.
 - (e) Type 40 - Self-Serve Motor Fuel Facilities.
- (3) Application for Certificate of Registration shall be made in writing to the Marshal on forms provided by him, accompanied by the appropriate fee. The application must be signed by the sole proprietor or each partner or by an officer of the corporation or association. A copy of Certificate of Registration will be provided by the Marshal for each separate location of such firm.
- (4) No Certificate of Registration of any type shall be issued by the Marshal until:

23.04: continued

- (a) The Marshal or his designee has by inspection determined that the applicant possesses approved equipment required for the type certificate sought. The Marshal shall give the applicant a reasonable opportunity to correct any deficiencies discovered by the inspection.
 - (b) The Marshal has determined that the granting of renewing of a Certificate of Registration would not be contrary to public safety and welfare.
 - (c) The required fee has been paid.
- (5) No Certificate of Registration of any type shall be issued to any person who is under 18 years of age.
- (6) Each Certificate of Registration shall be identified by type and shall bear an identifying number delineated as MA-CR-(number), the "MA" indicating it is a Massachusetts certificate. The type certificate shall be determined on the basis of the act(s) performed by the certified.
- (7) Every Certificate of Registration issued shall contain the following information:
- (a) Name and address of firm
 - (b) Certificate number, MA-CR-(number)
 - (c) Type of Certificate (42, 43, 44, 45, 40)
 - (d) Date issued
 - (e) Date of expiration
 - (f) Signature of the Marshal
- (8) Every Certificate of Registration issued pursuant to the provisions of 527 CMR 23.00 shall be posted on the premises of the certified location for inspection at any reasonable hour by the Marshal or his designee.
- (9) A duplicate Certificate of Registration may be issued by the Marshal to replace one lost or destroyed upon receipt by the Marshal of a written statement from the certified firm attesting to the fact that the Certificate of Registration has been lost or destroyed.
- (10) Evidence of alteration of any Certificate of Registration shall render said certificate invalid, and altered certificate shall be surrendered to the Marshal or his designee. Any change of location of any certified firm shall be reported to the Marshal in writing within 15 days of such change by the certified firm to maintain validity of the affected Certificate of Registration.
- (11) No Certificate of Registration issued pursuant to 527 CMR 23.00 shall be transferred from one firm to another or from one person to another.
- (12) Any sign, listing, or advertisement of a certified firm shall state the type of certificate and the certificate number, MA-CR-(number).
- (13) No Certificate of Registration of any type shall constitute authorization of any holder of a Certificate of Registration or any employee thereof to enforce any provision of 527 CMR 23.00.
- (14) No Certificate of Registration of any type shall constitute authorization for any certified firm or any of its employees to enter upon or into any property or building.
- (15) Every certified firm shall be staffed by qualified personnel holding Certificates of Competency provided for elsewhere in 527 CMR 23.00.
- (16) Every certified firm shall be properly equipped to perform the act or acts as permitted by the type of certificate(s) issued.

23.05: Certificate of Competency

- (1) Each person engaged in the servicing of portable fire extinguishers and/or engineered or pre-engineered fixed fire extinguishing systems, or in the performing of hydrostatic testing, must have a Certificate of Competency issued by the Marshal.
- (2) Types of Certificates of Competency for which an applicant may qualify are as follows:
 - (a) Type 46 - Servicing portable fire extinguishers only.
 - (b) Type 47 - Servicing engineered fixed fire extinguishing systems.
 - (c) Type 48 - Servicing pre-engineered fixed fire extinguishing systems.
 - (d) Type 49 - Hydrostatic testing of cylinders.
 - (e) Type 41 - Self-Serve Motor Fuel Facilities.
- (3) Application for Certificate of Competency by any person employed by a certified firm shall be made in writing to the Marshal on forms provided by him to perform such service as is authorized by the type of certificate sought.
- (4) An application for a Type 47 and a Type 48 Certificate of Competency shall be accompanied by a written attestation enumerating the applicant's technical qualifications, competency, and experience to charge, recharge, repair, test, inspect, and service engineered or pre-engineered systems.
- (5) Every person desiring a Certificate of Competency may be required to take and pass a written examination to determine his fitness to hold such certificate. Applicant may also be required to give demonstration of his knowledge and skill. Such written examinations and demonstrations shall be developed and administered by the Marshal, and shall be held at such places and times as he may determine.
- (6) The written examination shall test applicant's ability, knowledge, and skill as may be applicable to the type certificate being sought, as generally indicated in the listing below. These written examinations shall consist of multiple-choice, fill-in, true-false, or short answer questions, and may include or consist of diagrams, plans or sketches.
 - (a) Portable fire extinguishers: charging, recharging, servicing, testing, and inspecting.
 - (b) Engineered fixed fire extinguishing systems: charging, recharging, altering, repairing, testing, inspection, installation, and servicing.
 - (c) Pre-engineered fixed fire extinguishing systems: Same as for 527 CMR 23.05(6)(b).
 - (d) Hydrostatic testing: Self-explanatory.
 - (e) Self service fire extinguishing systems.
- (7) No Certificate of Competency of any type shall be issued by the Marshal until:
 - (a) The Marshal has determined that the granting or renewing of such Certificate would not be contrary to public safety and welfare.
 - (b) The required fee has been paid.
- (8) No Certificate of Competency of any type shall be issued to any person who is under 18 years of age.
- (9) Every Certificate of Competency shall indicate the type of act or acts to be performed and for which the applicant has qualified, and by a number delineated as MA-CC-(number), the MA indicating it is a Massachusetts certificate.
- (10) Every Certificate of Competency issued shall contain the following information:
 - (a) Name and address of applicant
 - (b) Certificate number, MA-CC-(number)
 - (c) Type of certificate (46, 47, 48, 49, 41)
 - (d) Date of birth
 - (e) Social Security number
 - (f) Photograph (supplied by applicant)
 - (g) Date of expiration
 - (h) Signature of applicant

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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

23.05: continued

- (11) A duplicate Certificate of Competency may be issued by the Marshal to replace one lost or destroyed upon receipt by the Marshal of a written statement from the certified person attesting to the fact that the Certificate of Competency has been lost or destroyed.
- (12) Any change in the home address of any holder of a Certificate of Competency shall be reported in writing to the office of the Marshal within 15 days of such change.
- (13) Every person holding a valid Certificate of Competency shall, upon demand, show and permit the examination of such Certificate by the Marshal, head of the fire department, or their designees.
- (14) No Certificate of Competency issued pursuant to 527 CMR 24.00 shall be transferred from one person to another.
- (15) No Certificate of Competency of any type shall constitute authorization for any person to enter upon or into any property or building.
- (16) No Certificate of Competency shall constitute authorization for any person to enforce any provision of 527 CMR 24.00 or to misrepresent the use for which certificate was intended.

23.06: Issuance and Renewal of Certificates; Fees

- (1) All Certificates shall be valid throughout the Commonwealth for a period of two years from date of issue. The original and renewal fees for any certificate issued pursuant to 527 CMR 24.00 will be in accordance with M.G.L. c. 7, § 3B.
- (2) Application for renewal of a Certificate of Registration or a Certificate of Competency shall be made every two years. Such renewal application, accompanied by the appropriate fee, shall be submitted in person or by certified mail at least one month in advance of the expiration date. If the Marshal or his designee fails to act on such certificate renewal within thirty days, the certificate shall remain in force until a new certificate is issued or the applicant is rejected for cause.
- (3) All acts of service performed after the expiration date of the Certificate of Registration or Certificate of Competency shall be in violation of 527 CMR 23.06 except as noted in 527 CMR 23.05(2).

23.07: Service Tags

- (1) One service tag shall be attached to each portable fire extinguisher or engineered or pre-engineered fixed fire extinguishing system or to a vessel which has been hydrostatically tested. Tag shall be attached in such a position as to be conveniently inspected and in such a way that the operation of the equipment will not be hampered.
- (2) Prior to printing, each firm holding a valid Certificate of Registration shall forward one sample of service tag to the Marshal for approval.
- (3) Approved service tags shall include the following information, with 527 CMR 23.07(3)(a) through (f) appearing on the front of the tag:
 - (a) The words "Do Not Remove Per Order of the State Fire Marshal" on the top front of tag.
 - (b) Servicing firm's name and address.
 - (c) Firm's Certificate of Registration MA-CR number and type.
 - (d) Type of service performed.
 - (e) Date service performed.
 - (f) Certificate of Competency number of qualified individual who performed or supervised the service(s) performed and his initials.

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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

23.07: continued

- (g) Space and lines for recording owner and location of equipment.
- (h) Space and lines for recording type and size of extinguisher.

(4) Every approved service tag attached to a portable or fixed fire extinguishing system after January 1, 1980, shall conform to 527 CMR 23.00.

(5) The service tag shall indicate the date, initials, and certificate number of the person who conducted the most recent test.

(6) Any engineered, pre-engineered, and self-service fire suppression system inspected and found to be in non-compliance, with its listing or manufacturers specifications, shall have a service tag attached indicating non-compliance.

(a) Non-compliance service tags shall be bright orange, have the words "Non-Compliance", and contain the firm name, Certificate of Registration number, date of inspection, the reason for non-compliance, and the initials and Certificate of Competency number of the person who conducted the inspection. The words "Non-Compliance" shall consist of block letters not less than one half inch in height, black in color.

(b) The head of the fire department and the fire marshal shall be notified in writing, by the firm conducting the inspection, within 48 hours of the inspection identifying the fire suppression system in non-compliance and the reasons thereof.

(c) The head of the fire department and the state fire marshal shall be notified in writing, by the firm conducting the service, within 48 hours of the completion of the work to bring the system into compliance.

23.08: Suspension or Revocation of Certificate

(1) Failure of any certified person or firm to perform the act(s) for which certified in accordance with good engineering practice will subject that person or firm to summary suspension by the Marshal or his representative of certificate(s) held. Such certificate(s) may be reinstated after hearing.

(2) Any Certificate of Registration or Certificate of Competency regardless of type may be revoked or suspended by the Marshal for a violation by the certificate holder of any of 527 CMR 23.00.

23.09: Required Annual Report on Employees

(1) The holder of a current valid Certificate of Registration shall report in writing annually the name, address, Certificate of Competency number (CC) of each certified person in his employ.

REGULATORY AUTHORITY

527 CMR 23.00: M.G.L. c. 148, § 58.